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Surveying of nuisance consideration

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Abstract

The bailer shall deliver the property to its owner due to playing the role of buffering in the state of forcible bail circumstances. Now there is a dispute, whether the nuisance agent who acts as buffer between object of consideration and owner of consideration as revenues of his property shall be treated as the owner of consideration or not? This article treats the concepts of nuisance consideration in details; it defines the scope of meaning in the field of jurisprudence classifications, including doctrine of jurisprudence and proofs afforded for bail of nuisance consideration as well as disputes of proofs forwarded. Furthermore, refinement and correction of disputes shall be discussed in terms of genuine prescriptions cited for refinement of the issues and comprehensive explanation of the case.

Keywords Nuisance consideration, Bail, Doctrine of dominant, consensus over consideration and object of consideration, ownership, property.

Bibliography

1. 'Ameli, Mohammad Ibn Hasan [Hor e 'Ameli], *Vasayel Alshiea Ela Tahsil Masael Al-Shareia*, Vol 2, Aal-Albeit, Qom, 1414 A.Q.
2. Abdoh Boroojerdi, Mohammad, *Kolliat Hoqooq Islami*, University Of Tehran, Tehran, 1339 A.H.
3. Ansari, Mortaza, *Ketab Al-Makaseb*, Ettelaat, Tabriz, 1375 A.Q.
4. Dekhoda, AliAkbar, *Loghat Name*, University Of Tehran, Tehran, 1334 A.H.
5. Ehsaei, Ibn Abi Jomhoor, *Avali Al-Laali*, Seyyid Al-Shohada, Qom, 1403 A.Q.
6. Firooz Aabadi Shirazi, Mojd Al-Din Mohammad Ibn Yaqoob, *Al-Qamoos Al-Mohit*, Dar Ehia Al-Toras Al-Arabi, Beirut, 1412 A.Q.
7. Gorji, Aboo Al-qasem, pamphlet of Qwaed Feqh, Hoqooq faculty, Tehran, 1370 A.H.

8. Ibn Manzour, Mohammad Ibn Mokarram, *Lesan o Al-Arab*, Al-Alami, Beirut, 1426 A.Q.
9. Jabaei Aameli, Zain Al-Din [Shahid Sani], *Al-Rozat Al-Bahia Fi Sharh Al-Lomat Al-Dameshqia [Sharh e Lomat]*, Vol 1, Nashr e Jamea Dini Najaf, Najaf, 1390 A.Q.
10. Jarr, Khalil, *Mojam Al-Arabi Al-Hadis*, Translated by Seyyid Ahmad Tabibian, Amir Kabir, Tehran, 1373 A.H.
11. Majlesi, Mohammad Baqer, *Behar Al-Anvar*, Aljame Ledorar Akhbar Al-Aemmah Al-Athar, Beirut, 1403 A.Q.
12. Moein, Mohammad, *Farhang e Farsi*, Amir Kabir, Tehran, 1360A.H, Vol 4.
13. Mohaqqueq Damad, Seyyid Mostafa, *Qavaed Feqh: Bakhsh Madani*, Nashr e Oloum e Islami, Tehran, 1363 A.H.
14. Mousavi Bojnoordi, Seyyid Hasan, *Al-Qvaed Al-Feqhiah*, Al-Aadab, Najaf, 1391 A.Q.
15. Mousavi Bojnoordi, Seyyid Mohammad, *Qvaed Feqhiah*, Miaad, Tehran, 1372 A.H.
16. Mousavi Khomeini, Roohallah [Imam Khomeini], *Ketab Al-Beia*, Moasseseh Tanzim Wa Nashre Aasare Imam, Tehran, 1379 A.H.
17. Najafi, Mohammad Hasan, *Javaher Al-Kalam Fi Sharh e Sharaye Al-Islam*, Vol 3, Dar-Al-Kotob Al-Islamia, 1367 A.H.
18. Toreyhi, Fakhr Al-Din, *Majma Al-Bahrein*, Haj Ahmad Aqa, Tabriz, 1321 A.H.
19. Zo Al-majdein, Zain Al-Aabedin, *Feqh Wa Tejarat*, University Of Tehran, Tehran, 1326 A.H.